PATENT

RECEIVED JUL 1 2 2002 Technology Center 2600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLN NUMBER	FILING DATE	FIRST NAMED INVENTOR		ATTY. DKT. NO.
10/068,771	05 FEB 2002	ELDERING		T742-10
TITLE			ART UNIT	EXAMINER
TARGETED ADVERTISING IN ON DEMAND PROGRAMMING			2671	UNKNOWN

Technology Center: 2600
Attention: Special Program Examiner
Assistant Commissioner for Patents
Washington, D.C. 20231

PETITION TO MAKE SPECIAL
PURSUANT TO 37 CFR §1.102(d) and MPEP §708.02 item VIII

Applicant hereby petitions the United States Patent and Trademark Office ("USPTO") to grant the above noted non-provisional application having application serial number 10/068,771, filed on February 5, 2002 special status and accordingly accelerate the processing of the application.

Applicant respectfully submits that this petition should be granted by the USPTO because the Applicant has met all of the criteria defined in MPEP §708.02 item VIII and recited below.

A.   An authorization to charge the Expanse Networks deposit account, in the amount of the fee set forth by 37 C.F.R. §1.17(i) is attached herewith (see Fee Calculation Sheet).

B.   Applicant submits that the claims presented in this application are directed to a single invention. In the event that the Examiner considers that the claims are not obviously directed to a single invention, the Applicant acknowledges that they will make an election without traverse.

C.   The Applicant performed a pre-examination search. The search included: (1) class/subclass search; (2) keyword and company search for patents and/or patent application publications; and (3) keyword and company search of Internet for publications or relevant information about companies involved in this area. The different search types were often

combined (i.e., keyword and class/subclass search), and the results of one search type were often incorporated into the other search types (i.e., Internet search results providing key terms or companies were used in patent/publication search). Below are the details of each of the searches:

1.   The following CLASSES/SUBCLASSES were searched on the USPTO website:

- 725/1, 78, 85, 86-104.
- 345/327, 716-726.
- 455/2, 4, 5.
- 386/46, 125, 186.

2.   A search was conducted for U.S. Patents, U.S. Patent Application Publications, and PCT/foreign Patents/Applications. The areas searched included include abstract, specification and claims. Databases used for the search included USPTO, WIPO, EPO (worldwide database), and Patent Café.

The keywords searched included at least the following terms alone and in numerous combinations of each other along with various combinations of keywords and classes/subclasses: "advertise", "advertisement", "ad", "advertising", "VOD", "video on demand", "near video on demand", "NVOD", "QVOD", "SVOD", "subscription on demand", "quasi video on demand", "on demand", "television", "TV", "PVR", "personal video recorder".

The companies searched include ACTV, Inc., AT&T Broadband, Wink Communications, Worldgate, Enreach, Everstream, BarcoNet, CinemaNow, Inc., e-Video TV, Inc., Metabyte Networks, Inc., Microsoft TV, Gemstar, nCube, nStreams, OpenTV, Navic Networks, ReplayTV, TiVo, AOL Time Warner Cable, Scientific-Atlanta, SeaChange International.

3.   The INTERNET search was performed using multiple search engines (e.g., Google, Yahoo, Metacrawler, and HotBot) and databases (e.g., IP.com). The search used the same key words and companies defined above as well as a search of technology fields, such as VOD and NVOD. The results of the Internet search (i.e., key companies; key personnel, investors or other relevant information listed in company profiles) were used for further patent/patent application publication

searches. Additionally, a journal, newsletter, press release, etc. search was conducted to identify any publications potentially authored by the companies or its representatives.

D.   Each relevant reference is identified on the attached IDS and one copy of each reference is enclosed thereto.

Discussion

Below is a detailed description of each of the references and discussion of how the claimed subject matter (each independent claim) is patentable over the references:

AA   **U.S. 5,521,631**; and

AB   **U.S. 5,625,864**

Relevance:

Discloses an interactive video services system used in a plurality of hospitality establishments (i.e., hotels). The hotels may insert advertisements based on the viewing patterns (i.e., VoD purchases) of the subscriber (i.e., room). For example, may remove ads for VoD movies that were already rented, may add ads for the type of movies (i.e., adventure) that a subscriber often rents.

Claims 1, 33 and 45 (directed to targeting ads based on the presence or absence of specific transactions):
Patent does not disclose or suggest any type of targeting based on presence or absence of specific subscriber transactions. Specific claim elements not disclosed or suggested include: retrieving advertisement profiles that includes specific transactions; searching associated subscriber transaction data for presence or absence of specific transactions; or selecting targeted ads based on results of said searching.

Claims 50, 78 and 88 (directed to detecting which subscriber is interacting with the TV and targeting ads based on a profile for that particular subscriber):
Patent does not disclose or suggest determining which subscriber is interacting with the TV or targeting ads based thereon. Specific claim elements not disclosed or suggested include: comparing subscriber viewing interactions to a plurality of subscriber signatures identifying traits

about the subscriber including viewing characteristics wherein each subscriber signature is associated with unique subscriber traits; associating the subscriber with a subscriber signature based on said comparing the subscriber viewing interactions to a plurality of subscriber signatures; or selecting targeted ads based on results of comparing the subscriber signature to an ad profile.

Claims 90, 102 and 106 (directed at presenting targeted ads to subscribers, wherein alternative ads are presented when subscriber fast-forwards or skips targeted ad):

Patent does not disclose or suggest presenting alternative ads when subscriber attempts to skip targeted ad. Specific claim elements not disclosed or suggested include: presenting an alternative ad to the subscriber when the subscriber fast-forwards or skips the targeted ad.

Remarks:

Does not disclose or suggest the level of granularity of targeted advertising as is disclosed and claimed in the current application.

AC   U.S. 5,636,346

Relevance:

Discloses a national database (TEA) containing info for each cable subscriber (i.e., billing data such as name and address), the data in the form of a standard electronic address. The TEA may also interact with data about subscribers received from third party sources, surveys, etc. The use of the TEA in conjunction with other subscriber data may be used by advertisers to target ads to subscribers.

Claims 1, 33 and 45 (directed to targeting ads based on the presence or absence of specific transactions):

Patent does not disclose or suggest any type of targeting based on presence or absence of specific subscriber transactions. Specific claim elements not disclosed or suggested include: retrieving advertisement profiles that includes specific transactions; searching associated subscriber transaction data for presence or absence of specific transactions; or selecting targeted ads based on results of said searching.

Claims 50, 78 and 88 (directed to detecting which subscriber is interacting with the TV and targeting ads based on a profile for that particular subscriber):

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Claims 90, 102 and 106 (directed at presenting targeted ads to subscribers, wherein alternative ads are presented when subscriber fast-forwards or skips targeted ad):

Patent does not disclose or suggest presenting alternative ads when subscriber attempts to skip targeted ad. Specific claim elements not disclosed or suggested include: receiving an advertisement profile that defines traits about the intended target market; selecting targeted advertisements by comparing the ad profile to a subscriber profile; or presenting an alternative ad to the subscriber when the subscriber fast-forwards or skips the targeted ad.

Remarks:

System requires advertisers some type of access (i.e., license) to the TEA as well as other marketing data. Does not disclose or suggest the level of granularity of targeted advertising as is disclosed and claimed in the current application.

AD   U.S. 5,734,720

Relevance:

Discloses generating a virtual channel of television content for a customer so that the customer could simply watch one channel and not have to switch channels to find programming they wish to view. The content for the virtual channel is selected by comparing a customer profile (i.e., types of programs watched) to content profiles (i.e., type of individuals who watch program).

Claims 1, 33 and 45 (directed to targeting ads based on the presence or absence of specific transactions):

Patent does not disclose or suggest any type of targeting based on presence or absence of specific subscriber transactions. Specific claim elements not disclosed or suggested include: retrieving

advertisement profiles that includes specific transactions; searching associated subscriber transaction data for presence or absence of specific transactions; or selecting targeted ads based on results of said searching.

Claims 50, 78 and 88 (directed to detecting which subscriber is interacting with the TV and targeting ads based on a profile for that particular subscriber):

Patent does not disclose or suggest determining which subscriber is interacting with the TV or targeting ads based thereon. Specific claim elements not disclosed or suggested include: retrieving an advertisement profile that includes viewing characteristics; comparing subscriber viewing interactions to a plurality of subscriber signatures identifying traits about the subscriber including viewing characteristics wherein each subscriber signature is associated with unique subscriber traits; associating the subscriber with a subscriber signature based on said comparing the subscriber viewing interactions to a plurality of subscriber signatures; comparing the subscriber signature to the ad profile; or selecting targeted ads based on results of said comparing.

Claims 90, 102 and 106 (directed at presenting targeted ads to subscribers, wherein alternative ads are presented when subscriber fast-forwards or skips targeted ad):

Patent does not disclose or suggest presenting alternative ads when subscriber attempts to skip targeted ad. Specific claim elements not disclosed or suggested include: receiving an advertisement profile that defines traits about the intended target market; selecting targeted advertisements by comparing the ad profile to a subscriber profile; or presenting an alternative ad to the subscriber when the subscriber fast-forwards or skips the targeted ad.

Remarks:

Application is not related to advertising, let alone targeted advertising in VoD. As such, the patent does not disclose ad profiles defining the intended target market of the ads or targeting ads based on selecting subscribers that have similar traits to those defined for the intended market of the ads.

AE   U.S. 5,758,257

Relevance:

Discloses generating a virtual channel of television content for a customer so that the customer could simply watch one channel and not have to switch channels to find programming they wish to

view. The content for the virtual channel is selected by comparing a customer profile (i.e., types of programs watched) to content profiles (i.e., type of individuals who watch program).

Claims 1, 33 and 45 (directed to targeting ads based on the presence or absence of specific transactions):
Patent does not disclose or suggest any type of targeting based on presence or absence of specific subscriber transactions. Specific claim elements not disclosed or suggested include: retrieving advertisement profiles that includes specific transactions; searching associated subscriber transaction data for presence or absence of specific transactions; or selecting targeted ads based on results of said searching.

Claims 50, 78 and 88 (directed to detecting which subscriber is interacting with the TV and targeting ads based on a profile for that particular subscriber):
Patent does not disclose or suggest determining which subscriber is interacting with the TV or targeting ads based thereon. Specific claim elements not disclosed or suggested include: retrieving an advertisement profile that includes viewing characteristics; comparing subscriber viewing interactions to a plurality of subscriber signatures identifying traits about the subscriber including viewing characteristics wherein each subscriber signature is associated with unique subscriber traits; associating the subscriber with a subscriber signature based on said comparing the subscriber viewing interactions to a plurality of subscriber signatures; comparing the subscriber signature to the ad profile; or selecting targeted ads based on results of said comparing.

Claims 90, 102 and 106 (directed at presenting targeted ads to subscribers, wherein alternative ads are presented when subscriber fast-forwards or skips targeted ad):
Patent does not disclose or suggest presenting alternative ads when subscriber attempts to skip targeted ad. Specific claim elements not disclosed or suggested include: receiving an advertisement profile that defines traits about the intended target market; selecting targeted advertisements by comparing the ad profile to a subscriber profile; or presenting an alternative ad to the subscriber when the subscriber fast-forwards or skips the targeted ad.

Remarks:

Application is not related to advertising, let alone targeted advertising in VoD. As such, the patent does not disclose ad profiles defining the intended target market of the ads or targeting ads based on selecting subscribers that have similar traits to those defined for the intended market of the ads.

AF   U.S. 5,931,901

Relevance:

Discloses delivering targeted ads to users along with music the user purchased based on the music purchase and the subscriber.

Claims 1, 33 and 45 (directed to targeting ads based on the presence or absence of specific transactions):
Patent does not disclose or suggest any type of targeting based on presence or absence of specific subscriber transactions. Specific claim elements not disclosed or suggested include: retrieving advertisement profiles that includes specific transactions; searching associated subscriber transaction data for presence or absence of specific transactions; or selecting targeted ads based on results of said searching

Claims 50, 78 and 88 (directed to detecting which subscriber is interacting with the TV and targeting ads based on a profile for that particular subscriber):
Patent does not disclose or suggest determining which subscriber is interacting with the TV or targeting ads based thereon. Specific claim elements not disclosed or suggested include: retrieving an advertisement profile that includes viewing characteristics; comparing subscriber viewing interactions to a plurality of subscriber signatures identifying traits about the subscriber including viewing characteristics wherein each subscriber signature is associated with unique subscriber traits; associating the subscriber with a subscriber signature based on said comparing the subscriber viewing interactions to a plurality of subscriber signatures; comparing the subscriber signature to the ad profile; or selecting targeted ads based on results of said comparing

Claims 90, 102 and 106 (directed at presenting targeted ads to subscribers, wherein alternative ads are presented when subscriber fast-forwards or skips targeted ad):
Patent does not disclose or suggest presenting alternative ads when subscriber attempts to skip targeted ad. Specific claim elements not disclosed or suggested include: receiving an

advertisement profile that defines traits about the intended target market; selecting targeted advertisements by comparing the ad profile to a subscriber profile; or presenting an alternative ad to the subscriber when the subscriber fast-forwards or skips the targeted ad.

Remarks:

Does not disclose or suggest the level of granularity of targeted advertising as is disclosed and claimed in the current application.

AG   U.S. 6,002,393

Relevance:

Discloses generating instructions for the targeting of ads to subscribers based on the program, commercials likely suitable to those watching the program, data about the subscribers, and whether the original ads can be replaced (i.e., preemptive).

Claims 1, 33 and 45 (directed to targeting ads based on the presence or absence of specific transactions):
Patent does not disclose or suggest any type of targeting based on presence or absence of specific subscriber transactions. Specific claim elements not disclosed or suggested include: retrieving advertisement profiles that includes specific transactions; searching associated subscriber transaction data for presence or absence of specific transactions; or selecting targeted ads based on results of said searching.

Claims 50, 78 and 88 (directed to detecting which subscriber is interacting with the TV and targeting ads based on a profile for that particular subscriber):
Patent does not disclose or suggest determining which subscriber is interacting with the TV or targeting ads based thereon. Specific claim elements not disclosed or suggested include: comparing subscriber viewing interactions to a plurality of subscriber signatures identifying traits about the subscriber including viewing characteristics wherein each subscriber signature is associated with unique subscriber traits; associating the subscriber with a subscriber signature based on said comparing the subscriber viewing interactions to a plurality of subscriber signatures; or selecting targeted ads based on results of comparing the subscriber signature to an ad profile.

Claims 90, 102 and 106 (directed at presenting targeted ads to subscribers, wherein alternative ads are presented when subscriber fast-forwards or skips targeted ad):

Patent does not disclose or suggest presenting alternative ads when subscriber attempts to skip targeted ad. Specific claim elements not disclosed or suggested include: presenting an alternative ad to the subscriber when the subscriber fast-forwards or skips the targeted ad.

Remarks:

Does not disclose or suggest the level of granularity of targeted advertising as is disclosed and claimed in the current application.

AH   U.S. 6,005,561

Relevance:

Discloses an interactive TV system that monitors the subscribers selections and organizes a user interface around the preferences of the subscriber.

Claims 1, 33 and 45 (directed to targeting ads based on the presence or absence of specific transactions):

Patent does not disclose or suggest any type of targeting based on presence or absence of specific subscriber transactions. Specific claim elements not disclosed or suggested include: retrieving advertisement profiles that includes specific transactions; searching associated subscriber transaction data for presence or absence of specific transactions; or selecting targeted ads based on results of said searching

Claims 50, 78 and 88 (directed to detecting which subscriber is interacting with the TV and targeting ads based on a profile for that particular subscriber):

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Claims 90, 102 and 106 (directed at presenting targeted ads to subscribers, wherein alternative ads are presented when subscriber fast-forwards or skips targeted ad):

Patent does not disclose or suggest presenting alternative ads when subscriber attempts to skip targeted ad. Specific claim elements not disclosed or suggested include: receiving an advertisement profile that defines traits about the intended target market; selecting targeted advertisements by comparing the ad profile to a subscriber profile; or presenting an alternative ad to the subscriber when the subscriber fast-forwards or skips the targeted ad.

Remarks:

Application is not related to advertising, let alone targeted advertising in VoD. As such, the patent does not disclose ad profiles defining the intended target market of the ads or targeting ads based on selecting subscribers that have similar traits to those defined for the intended market of the ads.

AI   U.S. 6,029,195

Relevance:

Discloses identifying objects that may be applicable to a user by matching a profile of the user with profiles of different objects.

Claims 1, 33 and 45 (directed to targeting ads based on the presence or absence of specific transactions):

Patent does not disclose or suggest any type of targeting based on presence or absence of specific subscriber transactions. Specific claim elements not disclosed or suggested include: retrieving advertisement profiles that includes specific transactions; searching associated subscriber transaction data for presence or absence of specific transactions; or selecting targeted ads based on results of said searching.

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Claims 90, 102 and 106 (directed at presenting targeted ads to subscribers, wherein alternative ads are presented when subscriber fast-forwards or skips targeted ad):

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Remarks:

Does not disclose or suggest the level of granularity of targeted advertising as is disclosed and claimed in the current application.

AJ   U.S. 6,038,591

Relevance:

Discloses delivering targeted ads to users along with music the user purchased based on the music purchase and the subscriber.

Claims 1, 33 and 45 (directed to targeting ads based on the presence or absence of specific transactions):

Patent does not disclose or suggest any type of targeting based on presence or absence of specific subscriber transactions. Specific claim elements not disclosed or suggested include: retrieving advertisement profiles that includes specific transactions; searching associated subscriber transaction data for presence or absence of specific transactions; or selecting targeted ads based on results of said searching

Claims 50, 78 and 88 (directed to detecting which subscriber is interacting with the TV and targeting ads based on a profile for that particular subscriber):

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Claims 90, 102 and 106 (directed at presenting targeted ads to subscribers, wherein alternative ads are presented when subscriber fast-forwards or skips targeted ad):

Patent does not disclose or suggest presenting alternative ads when subscriber attempts to skip targeted ad. Specific claim elements not disclosed or suggested include: receiving an advertisement profile that defines traits about the intended target market; selecting targeted advertisements by comparing the ad profile to a subscriber profile; or presenting an alternative ad to the subscriber when the subscriber fast-forwards or skips the targeted ad.

Remarks:

Does not disclose or suggest the level of granularity of targeted advertising as is disclosed and claimed in the current application.

AK   U.S. 6,057,872

Relevance:

Discloses generating additional TV revenue (I.e., upgrade to premium service, more VoD or PPV rentals) through the use of coupons that are targeted to the individual subscriber based on their viewing patterns (i.e., type of service, VoD purchases)

Claims 1, 33 and 45 (directed to targeting ads based on the presence or absence of specific transactions):

Patent does not disclose or suggest any type of targeting based on presence or absence of specific subscriber transactions. Specific claim elements not disclosed or suggested include: retrieving advertisement profiles that includes specific transactions; searching associated subscriber

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Claims 90, 102 and 106 (directed at presenting targeted ads to subscribers, wherein alternative ads are presented when subscriber fast-forwards or skips targeted ad):

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Remarks:

Application is not related to advertising, let alone targeted advertising in VoD. As such, the patent does not disclose ad profiles defining the intended target market of the ads or targeting ads based on selecting subscribers that have similar traits to those defined for the intended market of the ads.

AL   U.S. 6,161,142

Relevance:

Discloses delivering targeted ads to users along with music the user purchased based on the music purchase and the subscriber.

Claims 1, 33 and 45 (directed to targeting ads based on the presence or absence of specific transactions):

Patent does not disclose or suggest any type of targeting based on presence or absence of specific subscriber transactions. Specific claim elements not disclosed or suggested include: retrieving advertisement profiles that includes specific transactions; searching associated subscriber transaction data for presence or absence of specific transactions; or selecting targeted ads based on results of said searching

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Remarks:

Does not disclose or suggest the level of granularity of targeted advertising as is disclosed and claimed in the current application.

BA   WO 00/14951

Relevance:

Discloses delivering targeted ads in feeder channels and having the STB select the appropriate feeder channel based on matching ad criteria with subscriber information.

Claims 1, 33 and 45 (directed to targeting ads based on the presence or absence of specific transactions):
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Claims 50, 78 and 88 (directed to detecting which subscriber is interacting with the TV and targeting ads based on a profile for that particular subscriber):
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Patent does not disclose or suggest presenting alternative ads when subscriber attempts to skip targeted ad. Specific claim elements not disclosed or suggested include: presenting an alternative ad to the subscriber when the subscriber fast-forwards or skips the targeted ad.

Remarks:
Does not disclose or suggest the level of granularity of targeted advertising as is disclosed and claimed in the current application.

BB   WO 01/01689

Relevance:

Discloses presenting VoD programming to the subscriber in an interactive display. The VoD programming displayed is based on a promotional selection algorithm that may include available VoD programming available, time of day and external factors such as weather.

Claims 1, 33 and 45 (directed to targeting ads based on the presence or absence of specific transactions):
Patent does not disclose or suggest any type of targeting based on presence or absence of specific subscriber transactions. Specific claim elements not disclosed or suggested include: retrieving advertisement profiles that includes specific transactions; searching associated subscriber transaction data for presence or absence of specific transactions; or selecting targeted ads based on results of said searching.

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Patent does not disclose or suggest presenting alternative ads when subscriber attempts to skip targeted ad. Specific claim elements not disclosed or suggested include: presenting an alternative ad to the subscriber when the subscriber fast-forwards or skips the targeted ad.

Remarks:
Does not disclose or suggest the level of granularity of targeted advertising as is disclosed and claimed in the current application.

BC   WO 01/26371

Relevance:

Discloses a system that includes local facilities so that it is possible to deliver each subscriber connected thereto with different content. The different content may include VoD or ads specific to the subscriber (based on demographics).

Claims 1, 33 and 45 (directed to targeting ads based on the presence or absence of specific transactions):
Patent does not disclose or suggest any type of targeting based on presence or absence of specific subscriber transactions. Specific claim elements not disclosed or suggested include: retrieving advertisement profiles that includes specific transactions; searching associated subscriber transaction data for presence or absence of specific transactions; or selecting targeted ads based on results of said searching.

Claims 50, 78 and 88 (directed to detecting which subscriber is interacting with the TV and targeting ads based on a profile for that particular subscriber):
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Patent does not disclose or suggest presenting alternative ads when subscriber attempts to skip targeted ad. Specific claim elements not disclosed or suggested include: presenting an alternative ad to the subscriber when the subscriber fast-forwards or skips the targeted ad.

Remarks:

Does not disclose or suggest the level of granularity of targeted advertising as is disclosed and claimed in the current application.

BD   WO 01/47156

Relevance:

Discloses a system that tracks a subscribers interactions with a TV and then determines what demographic group they belong to by processing the interactions, and considering other data available about the subscriber. Targeted ads are then inserted in an interactive environment or a broadcast environment based on the demographic grouping of the subscriber.

Claims 1, 33 and 45 (directed to targeting ads based on the presence or absence of specific transactions):
Patent does not disclose or suggest any type of targeting based on presence or absence of specific subscriber transactions. Specific claim elements not disclosed or suggested include: retrieving advertisement profiles that includes specific transactions; searching associated subscriber transaction data for presence or absence of specific transactions; or selecting targeted ads based on results of said searching.

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Claims 90, 102 and 106 (directed at presenting targeted ads to subscribers, wherein alternative ads are presented when subscriber fast-forwards or skips targeted ad):
Patent does not disclose or suggest presenting alternative ads when subscriber attempts to skip targeted ad. Specific claim elements not disclosed or suggested include: presenting an alternative ad to the subscriber when the subscriber fast-forwards or skips the targeted ad.

Remarks:

Does not disclose or suggest the level of granularity of targeted advertising as is disclosed and claimed in the current application.

BE   WO 01/82163

Relevance:

Discloses a system that allows for insertion of ads in the middle of VoD programming. The ads selected for insertion may be selected based on criteria including the content of the VoD (i.e., kid ad in kid show) or the location of the subscriber (local ad).

Claims 1, 33 and 45 (directed to targeting ads based on the presence or absence of specific transactions):
Patent does not disclose or suggest any type of targeting based on presence or absence of specific subscriber transactions. Specific claim elements not disclosed or suggested include: retrieving advertisement profiles that includes specific transactions; searching associated subscriber transaction data for presence or absence of specific transactions; or selecting targeted ads based on results of said searching.

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Patent does not disclose or suggest presenting alternative ads when subscriber attempts to skip targeted ad. Specific claim elements not disclosed or suggested include: presenting an alternative ad to the subscriber when the subscriber fast-forwards or skips the targeted ad.

Remarks:

Does not disclose or suggest the level of granularity of targeted advertising as is disclosed and claimed in the current application.

BF   WO 01/89213

Relevance:

Discloses system for targeting ads at the set top box. The ads are targeted either by matching a target viewer profile of an advertisement to (1) a viewer characteristics associated with a program and/or (2) a viewer profile generated based on viewer characteristics associated with programs viewed.

Claims 1, 33 and 45 (directed to targeting ads based on the presence or absence of specific transactions):
Specific claim elements not disclosed or suggested include: retrieving advertisement profiles that includes specific transactions; searching associated subscriber transaction data for presence or absence of specific transactions; or selecting targeted ads based on results of said searching.

Claims 50, 78 and 88 (directed to detecting which subscriber is interacting with the TV and targeting ads based on a profile for that particular subscriber):
Specific claim elements not disclosed or suggested include: comparing subscriber viewing interactions to a plurality of subscriber signatures identifying traits about the subscriber including viewing characteristics wherein each subscriber signature is associated with unique subscriber traits; associating the subscriber with a subscriber signature based on said comparing subscriber viewing interactions to a plurality of subscriber signatures; comparing the subscriber signature to an ad profile; or selecting targeted ads based on results of said comparing.

Claims 90, 102 and 106 (directed at presenting targeted ads to subscribers, wherein alternative ads are presented when subscriber fast-forwards or skips targeted ad):
Patent does not disclose or suggest presenting alternative ads when subscriber attempts to skip targeted ad. Specific claim elements not disclosed or suggested include: receiving an advertisement profile that defines traits about the intended target market; selecting targeted

advertisements by comparing the ad profile to a subscriber profile; or presenting an alternative ad to the subscriber when the subscriber fast-forwards or skips the targeted ad.
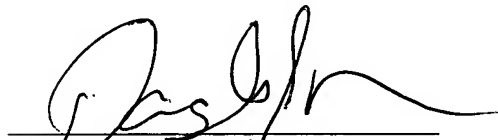
Remarks:

Does not disclose or suggest the level of granularity of targeted advertising as is disclosed and claimed in the current application.

Comments

For the foregoing reasons, Applicant respectfully submits that the petition be granted and that the above noted application receive accelerated processing.

If the Special Processing Examiner believes that a conference would be of value in expediting the processing of this Petition, the Special Processing Examiner is hereby invited to contact the undersigned attorney to set up such a conference.

Respectfully submitted,

Date: 7/3/02

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